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SERVICES, INC. and AMAZON.COM
8 SERVICES LLC

9
10 UNITED STATES DISTRICT COURT
11
12 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

13 MATTHEW ARMENTA,

14 Plaintiff,

15 vs.

16 AMAZON.COM SERVICES, INC., a
Delaware Corporation; AMAZON.COM
17 SERVICES, LLC, a Delaware Corporation,
and DOES 1-100, inclusive,

18 Defendants.

19 Case No.

DEFENDANTS AMAZON.COM
SERVICES LLC AND AMAZON.COM
SERVICES, INC.'S NOTICE OF
REMOVAL OF CIVIL ACTION UNDER
28 U.S.C. §§ 1332 & 1441(b)

[COUNTY OF LOS ANGELES SUPERIOR
COURT; CASE NO. 23STCV26978]

20 Action Filed:

November 2, 2023

21 Trial Date:

Not Set

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2 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFF MATTHEW
3 ARMENTA:

4 PLEASE TAKE NOTICE that Defendants AMAZON.COM SERVICES LLC and
5 AMAZON.COM SERVICES, INC. (Collectively, “Amazon” or “Defendants”), pursuant to 28
6 U.S.C. §§ 1332 & 1441(b), hereby remove the above-entitled action to this Court from the
7 Superior Court of the State of California in and for the County of Los Angeles, Case No.
8 23STCV26978.

9 **I. FACTUAL AND PROCEDURAL BACKGROUND**

10 On November 2, 2023, Plaintiff MATTHEW ARMENTA (“Plaintiff”) filed a civil
11 complaint in the Superior Court of the State of California, County of Los Angeles, entitled
12 *Matthew Armenta v. Amazon.com Services, Inc., et al.*, Case No. 23STCV26987. A true and
13 correct copy of the Complaint, together with its Civil Case Cover Sheet, is attached as **Exhibit A**
14 (hereinafter the “Complaint.”).

15 On January 18, 2024, Amazon was served with the Complaint.

16 In his Complaint, Plaintiff alleges four causes of action against Defendants: (1)
17 Discrimination on the Basis of Disability in Violation of FEHA; (2) Failure to Provide Reasonable
18 Accommodation in Violation of FEHA; (3) Failure To Engage in the Interactive Process; and (4)
19 Discrimination Based on Perceived Disability in Violation of FEHA. See **Exhibit A** at p. 1.
20 Plaintiff seeks general damages, special damages, punitive damages, pre-judgment and post-
21 judgment interest, attorneys’ fees, costs of suit, statutory and civil penalties, and reinstatement to
22 his position with Amazon. See **Exhibit A** at p. 10.

23 On February 20, 2024, Defendants filed their Answer in California Superior Court. See
24 **Exhibit D**.

25 **II. THE NOTICE OF REMOVAL IS TIMELY**

26 This Notice of Removal has been timely filed within thirty (30) days after “service on that

1 defendant of the initial pleading.” *See* 28 U.S. §1446(b)(2)(B).¹

2 **III. THIS COURT HAS DIVERSITY JURISDICTION**

3 This case is removable because this Court has original jurisdiction based on the parties’
 4 diversity of citizenship. *See* 28 U.S.C. § 1332(a) (“The district courts shall have original
 5 jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of
 6 \$75,000 . . . and is between . . . citizens of different States[.]”). First, Plaintiff and Amazon are
 7 citizens of different states. Plaintiff was formerly employed by Amazon in California. *See*
 8 **Exhibit A.** Plaintiff’s last known address while employed by Amazon was in California. *See*
 9 Declaration of Jamie E.S. Talt ¶ 2, Ex. 1. Upon information and belief, Plaintiff continues to
 10 reside in California.

11 Amazon.com Services LLC is not a citizen of California. For purposes of diversity
 12 jurisdiction, “a limited liability corporation is a citizen of all of the states of which its
 13 owners/members are citizens.” *Lindley Contours LLC v. AABB Fitness Holdings, Inc.*, 414 F.
 14 App’x 62, 64 (9th Cir. 2011) (citation omitted). At all times relevant to this action, Amazon.com
 15 Services LLC’s corporate headquarters and principal place of business has been in Seattle,
 16 Washington, and Amazon.com Services LLC is now and has been organized under the laws of the
 17 State of Delaware. *See Exhibit B* (California Secretary of State Statement of Information for
 18 Amazon.com Services LLC listing principal office in Seattle, Washington and organized under
 19 Delaware law). Amazon.com Services LLC’s only member is Amazon.com Sales, Inc., which is a
 20 Delaware corporation with its corporate headquarters and principal place of business in
 21 Washington. *See Exhibit C* (Washington Secretary of State Annual Report for Amazon.com
 22 Sales, Inc. listing principal office in Seattle, Washington and incorporation in Delaware).
 23 Amazon.com Sales, Inc. is a wholly owned subsidiary of parent company Amazon.com Inc.

24 Amazon.com Services LLC is the successor in interest to Amazon.com Services, Inc.

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 26 ¹ The date 30 days after January 18, 2024 is Saturday, February 17, 2024. Pursuant to the Federal
 27 Rules of Civil Procedure, the time period to file this Notice of Removal is therefore extended to
 28 the next day that is not a Saturday, Sunday, or legal holiday—i.e., February 20, 2024. *See* Fed. R.
 Civ. P. 6(a)(1)(C).

1 Defendant Amazon.com Services, Inc. was a Delaware corporation with its corporate headquarters
 2 and principal place of business in Washington. *See Exhibit E* (Washington Secretary of State
 3 Annual Report for Amazon.com Services, Inc. listing principal office in Seattle, Washington and
 4 incorporation in Delaware). Thus, diversity of citizenship exists.

5 In addition, the amount in controversy exceeds \$75,000. Though Amazon denies that
 6 Plaintiff is entitled to any damages, Plaintiff seeks general damages, special damages, punitive
 7 damages, attorneys' fees, and more. *See Exhibit A* at p. 10. California federal courts have
 8 routinely found that the amount-in-controversy requirement is satisfied in cases with similar
 9 claims. *See, e.g., Rodriguez v. Home Depot, U.S.A., Inc.*, No. 16-CV-01945-JCS, 2016 WL
 10 3902838, at *1 (N.D. Cal. July 19, 2016) (amount-in-controversy requirement satisfied in
 11 wrongful termination case seeking lost wages, equitable relief, restitution, emotional distress
 12 damages, punitive damages, and attorneys' fees and costs); *Castanon v. Int'l Paper Co.*, No. 2:15-
 13 CV-08362-ODW (JC), 2016 WL 589853, at *1-2 (C.D. Cal. Feb. 11, 2016) (amount-in-
 14 controversy requirement satisfied in disability discrimination case seeking lost earnings, emotional
 15 distress and punitive damages, and attorneys' fees); *Simmons v. PCR Tech.*, 209 F. Supp. 2d 1029,
 16 1032, 1035 (N.D. Cal. 2002) (amount-in-controversy requirement satisfied in employment
 17 discrimination case seeking compensatory damages, punitive damages, emotional distress
 18 damages, injunctive relief, and attorneys' fees). Thus, removal is proper based on this Court's
 19 diversity jurisdiction.

20 **IV. VENUE IS PROPER IN THIS COURT**

21 Pursuant to 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the
 22 district courts of the United States have original jurisdiction, may be removed by the defendant or
 23 the defendants, to the district court of the United States for the district and division embracing the
 24 place where such action is pending." This Court embraces the Superior Court of the State of
 25 California for the County of Los Angeles, which is where Plaintiff's Complaint was originally
 26 filed. Accordingly, this Court is the appropriate court to which to remove this action.

27 **V. NOTICE OF REMOVAL**

28 Amazon will promptly serve this Notice of Removal upon Plaintiff, and will also file a

1 copy of this Notice of Removal with the Clerk of the Superior Court of the State of California,
2 County of Los Angeles.

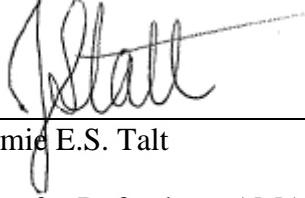
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4 Dated: February 20, 2024

FARELLA BRAUN + MARTEL LLP

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6 By:


Jamie E.S. Talt

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8 Attorneys for Defendants AMAZON.COM SERVICES,
9 INC. and AMAZON.COM SERVICES LLC

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